

REMARKS

Claims 23-106 are pending in the application. Claims 23-106 have been rejected. Claims 23, 24, and 104-106 have been amended. Support for these amendments is found in the substitute specification on pages 8 and 18-19, *inter alia*. No new matter has been added.

Line numbering has been added to the claims in response to the Examiner's request. The Examiner also requested Applicants to update the status (pending, allowed, etc.) of all parent priority applications in the first line of the specification. As no parent case is cited, no amendment has been made. The Examiner also requested Applicants to update the status of all citations of US filed applications in the specification where appropriate. Since all of the applications are pending and none has been allowed, no change to the specification has been made.

Rejection of Claims under 35 U.S.C. § 102

Claims 23-106 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Beck, et al., U.S. Patent 6,332,154 ("Beck"). Beck teaches a multi-tiered system having a common Customer-Interaction Network Operating System (CINOS).

Amended independent claim 23 is repeated below:

An apparatus comprising:

a communication server for communicating with a communication channel, the communication server operable to:
handle an incoming communication received from the communication channel, the receiving the incoming communication being performed via a channel driver communicatively coupled to the communication channel, wherein the channel driver is operable according to the media type of the communication channel; and
cause an outgoing communication to be sent to the communication channel, wherein
the communication server is further operable to communicate independently of a media type of the communication channel.

The Office Action refers generally to the Customer-Interaction Network Operating System (CINOS) and does not specifically state any equivalent to the communication server. (See Office Action, page 2-3, paragraph 6.) Nevertheless, Applicants have attempted to be

responsive in order to further prosecution and have assumed for purposes of argument that the CINOS multi-media server 79 is equivalent to the communication server (a point that Applicants do not concede). Multi-media server 79 is described as being “adapted to physically store and serve all multi-media transactions.” (See Beck, column 9, lines 8-10). Incoming communication events are described as registering with either telephony switch 27 or routing server 29, and CINOS is generally described as identifying the media type associated with the communication event. (See Beck, column 9, lines 49-62.) Applicants have searched and have found no description of either routing server 29 or multi-media server 79 handling an incoming communication that is received via a channel driver. Furthermore, no equivalent to the channel driver has been identified. Applicants are unclear whether a channel driver would even be used in the CINOS system because both server- and client-side software operate within a common network operating system. For example, interfaces to known internal communication channels could be provided without the need for a channel driver to “translate” channel-specific communication.

With reference to media-specific communication, the Office Action refers to the media support module 445 containing media drivers. (See Office Action, page 4, paragraph 7.) Media support module 445 is described as being contained in the media-independent self-help wizard 423 that is part of the client interface. (See Beck, column 62 line 64 through column 63 line 5.) These media drivers are described as being downloadable to a client’s browser through desktop interface module 443. These client-side media drivers execute the different types of media presentations on the client machine for CINOS-supported media types. Client-side media drivers are not equivalent to the server-side channel drivers from which the communication server obtains incoming communication events. Furthermore, as noted above, because CINOS involves known internal communication channels, channel-specific drivers that translate communication between the communication channel and the communication server may not be needed in CINOS.

Beck does not teach a communication server that handles an incoming communication received from the communication channel, where receiving the incoming communication is performed via a channel driver communicatively coupled to the communication channel.

Because all limitations of independent claim 23 are not taught by Beck, independent claim 23 and its dependent claims 24-26 are allowable for at least this reason.

Applicants further request clarification of the Examiner's statement that "incoming requests as well as outgoing commands with respect to the server are media-type independent, which inherently means driver independent." (Office Action, page 3, paragraph 7.) Applicants disagree with this characterization and respectfully request that the Examiner provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex parte* Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original).

Each of independent claims 37, 42, 44, 60, 65, 67, 83, 88, 90, 91, 96, and 97 is rejected for the same reasons as the rejection to claim 23 alone or for the same reasons as the rejection of a combination of claim 23 with one or more of its dependent claims. (See Office Action, respective paragraphs 20, 23, 26, 31, 33, 35, 37, 37, 37, 38, 39, and 40.) However, the limitations of these independent claims are different than the limitations of independent claim 23, and no equivalents for these limitations have been shown. Applicants respectfully request clarification of the specific teachings of Beck upon which the rejections of independent claims 37, 42, 44, 60, 65, 67, 83, 88, 90, 91, 96, and 97 are based.

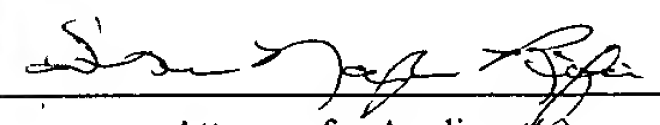
The limitations of independent claims 37, 42, 44, 60, 65, 67, 83, 88, 90, 91, 96, and 97 distinguish the present invention over Beck. In addition, the foregoing arguments with reference to Beck's failure to teach a communication server and channel driver apply with equal force to these independent claims. Consequently, independent claims 37, 42, 44, 60, 65, 67, 83, 88, 90, 91, 96, and 97 are allowable for at least these reasons.

In conclusion, each of claims 23-106 has been shown to be allowable over the teachings of Beck.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5086.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, COMMISSIONER FOR PATENTS, P. O. Box 1450, Alexandria, VA 22313-1450, on April 6, 2005.



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4/6/05

Date of Signature

Respectfully submitted,



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